

Wetlands Bureau Decision Report

Decisions Taken
08/24/2009 to 08/30/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-01529 US DEPT OF INTERIOR, FISH & WILDLIFE SERVICE
JEFFERSON Unnamed Wetland Mud Pond

Requested Action:

Proposal to lower a 60 ft. section of the trail to provide adequate wildlife passage.

APPROVE AMENDMENT:

Fill approximately 210 sq. ft. of bog wetlands for construction of an 800 linear foot elevated boardwalk trail and associated viewing platform for construction of the Mud Bog Trail (approximate total trail length is 2,500 linear feet) located within the Pondicherry Division of the Silvio O. Conte National Fish and Wildlife Refuge. Work in wetlands consists of the placement post and planks that will float on the ground surface and support the boardwalk trail. The boardwalk will consist of a 5 ft. wide deck with an associated 10 ft. x 15 ft. viewing platform and handrails. The boardwalk and viewing platform will be elevated off the ground surface 2 to 3 ft. (except for approximately 60 linear ft. for wildlife passage) with at least 1/2 in. spacing between decking material to allow sufficient light and air penetration between the deck and the surface of the ground. The project has been deemed eligible for compensatory mitigation for the major impact project (work within a bog) in the form of a one time payment of \$503.51 dollars into the DES Aquatic Resource Mitigation Fund (ARM).

With Conditions:

1. All work shall be in accordance with plans and narratives by the U.S. Fish and Wildlife Service ("USFWS"), as received by DES on August 4, 2008 and revised through and received by DES on February 10, 2009 and revised narratives plans received by DES on July 27, 2009.
2. Work shall be done during low flow.
3. This approval is contingent on receipt by DES of a one time payment of \$ 503.51 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

DES reaffirms findings 1 through 21.

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has indicated that the trail will offer visitors of all physical capabilities the ability to participate in three refuge priority public uses of interpretation, wildlife observation and photography, as defined in Executive Order 12996 and the National Wildlife Refuge System Improvement Act of 1997 and is "in keeping with the "sixth legislative purpose of the Refuge: "to provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with the other purposes stated in this section" (Silvio O. Conte national Fish and Wildlife refuge Act (Public law 102-212))".
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

5. The proposed boardwalk and viewing platform is designed to alleviate indirect impacts to wetlands by elevating it off the ground surface 2 to 3 ft. with at least 1/2 in. spacing between decking material in order to allow sufficient light and air penetration between the deck and the surface of the ground.

6. The support post will rest on the ground surface avoiding the need to excavate the ground and expose soils.

7. The work will be conducted by hand and using portable power tools.

8. The boardwalk will provide a full span over the associated stream channel and will be approximately 5 or more feet above the stream channel bottom.

9. The work will be scheduled for fall or winter months when soils are firm.

10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

11. DES has received confirmation from the New Hampshire Fish and Game Department, Nongame and Endangered Species Program ("NHFGD") that they do not expect impacts to rare, threatened or endangered species as a result of the fully-accessible trail construction to Mud Pond.

12. The applicant has been in contact with the New Hampshire Natural Heritage Bureau ("NHB") regarding potential impacts to rare plant species. NHB does not have any further concerns, however, recommends that strict guidelines for sediment and erosion control be used during the construction process.

13. The applicant has provided an sediment and erosion control plan and this approval is conditioned on the use of proper sedimentation, erosion and turbidity controls, as well as soil stabilization.

14. The project only consist of 210 sq. ft. of direct wetlands impact, however, because the proposed impacts are within wetlands that have been classified as a bog, compensatory mitigation is required per Administrative Rules Env-Wt 302.03(b) and Env-Wt 303.02(a).

15. On-site options for mitigation have been considered and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

16. The payment calculated for the proposed wetland loss equals \$503.51 dollars.

17. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

18. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut River-Waits River to White River watershed per RSA 482-A:29.

19. The proposed project is for the public and will enhance the public's access within the existing refuge.

20. DES has received no comments in opposition to the proposed project.

21. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

2008-02217 RMR PACIFIC LLC
DANBURY Unnamed Wetland

Requested Action:

Permanently impact 5.04 acres including 4657 linear feet of stream channel and temporarily impact .51 acres including 76 linear feet of stream channel to redevelop an existing golf course and ski area and subdivide and develop 120 units. Mitigate for the proposed impacts by restoring .5 acres, enhancing 19.4 acres of wetland, create .1 acre of wetland and preserve 1370 acres of upland and wetland.

APPROVE PERMIT:

Permanently impact 5.04 acres including 4657 linear feet of stream channel and temporarily impact .51 acres including 76 linear feet of stream channel to redevelop an existing golf course and ski area and subdivide and develop 120 units. Mitigate for the proposed impacts by restoring .5 acres, enhancing 19.4 acres of wetland, create .1 acre of wetland and preserve 1370 acres of upland and wetland.

With Conditions:

1. All work shall be in accordance with plans by Horizon's Engineering dated October 2008, and revised through June 8, 2009 as

received by the Department on July 30, 2009.

2. The permittee shall designate a qualified professional, Wetland Mitigation Specialist, who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
3. All activity shall be in compliance with the Shoreland Protection Act RSA 483-B.
4. This permit is contingent on approval by the DES Alteration of Terrain.
5. This permit is contingent on approval by the DES Groundwater Bureau.
6. The applicant will comply with the provisions of the Section 401 Water Quality certification upon its issuance and noncompliance shall be considered a violation of the conditions of this permit.
7. A water quality and quantity monitoring program will be developed and implemented in accordance with requirements established by NHDES, Watershed Management Bureau.
8. This permit is contingent on approval by the DES Dam Safety.
9. This permit is contingent on approval by the DES Wastewater Bureau.
10. This permit is contingent on the Land Transfer between the permittee and NH Fish and Game Department.
11. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within the Phase 1 Development Area.
12. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #11 of this approval.
13. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to the start of construction.
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
15. Construction in cold water fishery streams shall not occur between October 1 and May 31 to minimize impacts to the fishery resource during spawning season.
16. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
17. At least 72 hours prior to the start of construction, of each phase of construction (the snow withdrawal pipe, golf course construction, residential development construction) a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and other NHDES permits. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
18. The permittee shall notify DES and the Danbury Board of Selectmen in writing of their intention to commence construction no less than 5 business days prior to construction.
19. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
20. All wetlands approved to be impacted by construction shall be re-flagged during pre-construction preparation in accordance with the United States Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1.
21. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or the agreed upon buffer areas.
22. Work within perennial streams shall be done during low flow.
23. Work within the snowmaking pond shall be done under drawdown conditions
24. Work within intermittent streams shall be done during periods of non-flow.
25. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
26. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
27. Underground utilities shall cross perennial streams as temporary impacts in the narrowest footprint necessary. The removal of native vegetation shall be limited to the minimum necessary, and vegetation shall be stockpiled. Stream banks shall be restored to original grades, a stable condition and shall be restored to the same as or better than pre-construction conditions utilizing the existing

stockpiled vegetation. Vegetation may be supplemented, if necessary, with native like vegetation.

28. Boardwalks shall be installed in accordance with the detail on sheet 53 of the approved plan set and shall have a minimum clear span of 3 feet from the bottom of the boardwalk to the existing ground elevation.

29. There shall be no temporary impacts associated with the installation of the boardwalks and equipment shall be sited outside of wetlands or on the constructed boardwalk.

30. The mitigation specialist will coordinate with the contractor and golf course designer to identify areas plant salvaging. These shall identify and stockpile suitable native vegetation from impact areas for use within the proposed enhancement/mitigation areas.

31. The areas of vegetative conversion shall have no soil disturbance and no disturbances of substrates or topography. No stumps or root systems shall be pulled or removed from these areas.

32. Prior to commencing work on a structure located within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.

33. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

34. Work within a perennial stream or Bog Pond, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

35. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

36. Temporary cofferdams shall be entirely removed immediately following construction of the structure below the high water line.

37. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau unless otherwise specified.

38. Culvert inverts shall be installed at existing grades unless otherwise allowed by this permit.

39. Proper headwalls shall be constructed within seven days of culvert installation.

40. Areas of temporary construction impact shall be regraded to original contours within 3 days of the installation of the water withdrawal pipe line.

41. Mulch within restoration areas shall be straw.

42. Seed mix within the restoration areas shall be a native wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.

43. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

44. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

45. Where construction activities not adjacent to wetlands have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

46. Where construction activities not adjacent to wetlands have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

47. Silt fencing must be removed once the area is stabilized.

48. This permit is contingent upon the construction of three shallow pools, proposed to function as vernal pools.

49. There shall be two shallow ponds constructed within the primary mitigation area near the edges of the existing natural habitat.

50. There shall be a shallow pond constructed in the northwest corner of parcel A in order to provide alternate breeding habitat for amphibians.

51. There shall be no curbing installed on roadways within the 750 foot critical habitat zone of the vernal pools on site.

52. There shall be no development within 100 feet of the two vernal pools within the proposed conceptual development area.

53. There shall be no lawns, fertilizer, or pesticide use within 100 feet of the vernal pools.

54. Surface water shall only be withdrawn from Bog Pond between November 15 and January 31, for the proposed snowmaking.

55. There shall a no disturbance area located within fifty (50) feet of an existing stream and no non-native trees, shrubs or ground cover shall be planted within this no disturbance area.

56. All crossings over perennial streams shall be open spanning bridges with associated flood plain areas with a minimum of 10 feet on either side.

57. The declaration of covenants conditions and restrictions for the phase one subdivision shall run with the land and shall be binding on all successors, assigns, heirs, lien holders and any other person holding an interest in the lots and shall run with the land for the benefit of all other lots within the phase one subdivision.

58. No part of a disturbance area on a lot shall be located within (50) feet of the ordinary high water mark of a perennial stream.

59. There shall be a minimum 5 foot buffer of 3-5 foot high vegetation left to all wetlands and intermittent streams within the

proposed golf course area.

60. There shall be a minimum 20 foot buffer of 3-5 foot high vegetation left to all perennial streams within the proposed golf course area.

61. Synthetic fertilizers and pesticides may not be applied on any lot.

62. Native trees shrubbery and groundcover may not be clear-cut outside of the Disturbance Area on any lot. Dead diseased vegetation trees or shrubbery and noxious weed shall be removed as required.

63. Only 6 foot wide trails shall be cut within the fifty (50) foot buffer area along the perennial streams.

64. The applicant shall restore fish passage to the "West Brook" by correcting the situation at the existing culvert under Ragged Mountain Road. This shall be done prior to the golf course reconstruction phase of this project.

65. The NH Fish and Game and NH DES Wetlands shall review and provide written approval of the plans to restore fish passage to the "West Brook" by correcting the existing culvert under Ragged Mountain Road.

66. This permit is contingent upon the enhancement of 19.4 acres of existing wetland currently used for the existing golf course.

67. Mitigation areas where the turf is dense, such as fairways, greens and tees shall be tilled to 4-6 inches to break up the root mat. Irregularities shall be allowed to remain and will aid in the development of micro relief.

68. All fill will be removed from the mitigation area except in the proposed turtle-nesting mound.

69. The designated boardwalks and cart paths shall be removed to expose the underlying substrates to the sunlight, support posts shall be pulled where disturbance will be minimal. In areas where the disturbance is excessive then posts will be cut flush with the existing grade and left in place.

70. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

71. The wetland enhancement areas shall be seeded with a wetland seed mix and mulched with straw or seedless hay to stabilize and the soil and allow local species to colonize.

72. Wetland restoration/enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

73. The mitigation specialist shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the mitigation.

74. Wetland restoration/enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

75. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

76. All mitigation work shall be in accordance with plans and narrative by Normandeau Associates dated May 2009.

77. The Mitigation Specialist will be on-site to monitor construction at critical periods, including but not limited to grading, seeding, and pool excavation, and to make any adjustments as appropriate to meet the mitigation goals.

78. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.

79. The mitigation earthwork shall be performed during the dry portion of the summer and mitigation work shall be seeded and completed in an expeditious manner, by September 15.

80. The schedule for construction of the mitigation area shall coincide with the reconstruction of the golf course unless otherwise considered and authorized by the Wetlands Bureau.

81. The construction of the mitigation area including the vernal pool on Parcel A shall be completed within 18 months of the commencement of the first phase of the residential development.

82. Prior to the start of construction, the permittee shall provide \$162,000 financial guaranty, in the form of a bond, cash escrow or letter of credit, in Favor of the Army Corps of Engineers for improvements. An executed copy of the guaranty shall be submitted to NHDES permit number 2008-2217, prior to the start of construction.

83. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

84. The Permittee shall submit a post-construction report, prepared by the mitigation specialist, including an as built plan, documenting the status of the completed mitigation area. This report should include recommendations and field adjustments made.

The report should also include locations of photographs and future monitoring and control sites within the mitigation area. This report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

85. No motorized vehicles shall be utilized within the mitigation area except as necessary for access and maintenance of existing infrastructure within the mitigation area.

86. This permit is contingent upon the enhancement of approximately 19,214 linear feet of intermittent (4630) and perennial (14,584) stream channel currently cleared for the existing golf course.

87. The areas of proposed stream enhancement shall have a minimum width of 20 feet from the edge of jurisdiction.

88. The mitigation specialist or a designee shall assess each stream enhancement area at the beginning of construction and provide a report within 30 days of the stream assessment including any possible dredge and fill associated with the removal of existing structures, each area determined to be unstable, and the methods proposed to stabilize the area and the timing and installation of these measures.

89. The qualified professional shall provide monitoring reports of the stream assessment. These reports shall include photographs, follow-up measures and a schedule for completing the remedial work. The reports shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial stream assessment.

90. Once established there shall be no disturbance within the twenty (20) foot stream enhancement areas and no non-native trees, shrubs or ground cover shall be planted within these enhancement areas.

91. Care shall be taken to limit the spread or growth of loosestrife or other invasive species on the site. This shall be accomplished by educating contractors to reduce the risk of transportation of seeds in construction equipment and quick seeding of open substrates. Should invasives become established they shall be controlled by pulling seedlings, deadheading and herbicide.

92. The stand of Phragmites adjacent to the West brook shall be excavated and treated within the first year of construction. The applicant shall continue to monitor this area and provide monitoring reports August 1 for the duration of the permit, or at least 5 years. If the species should reestablished further action or remediation may be required at the request of DES.

93. This permit is contingent upon the execution of a conservation easement on 1390 acres as depicted on plans received May 2009.

94. A copy of the executed and recorded conservation easement shall be submitted to the Department prior to the start of construction.

95. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

96. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

97. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.

98. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

99. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

100. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

101. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

102. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted field inspections of the proposed project on May 12, 2008, and July 29th and 30th. Field inspection

determined the wetland areas within the existing golf course have been historically disturbed. The proposal will remove the high intensity use areas further away from the high quality Bog Pond habitat.

6. The proposal will move the existing golf course an additional 700 feet further away from Bog Pond as compared to the existing golf course. Bog Pond is an existing Tier one habitat in the NH Fish and Game Wildlife Action Plan.

7. All perennial stream crossings will be bridged from the top of bank to the top of bank within the golf course area.

8. Perennial streams that are currently culverted will be restored to their natural state with a 10-foot flood plain to either side.

9. The developer proposes a 50-foot setback from the ordinary high water mark of all perennial streams to roads and buildings.

10. Lot building areas will be defined for each lot and no tree cutting or alteration of natural vegetation shall be cut outside of that area.

11. The project site has 156 acres of wetlands and 17 miles of stream channel, the proposal is to impact 7.37 acres and 9042 linear feet of stream, that is 4.6% of the wetlands on site and 10% of the streams on site.

12. The proposed project will have limited if any impact on the 3 on site vernal pools by maintaining appropriate envelopes to the development.

13. The applicant is proposing to construct a shallow depression on parcel A to mitigate upland habitat loss for impacts to the vernal pool at this site.

14. The proposed project area was screened for rare state and federally listed species, migratory fish and wildlife or exemplary natural communities identified by Natural Heritage Bureau on September 19, 2008. No known species are expected to be impacted by this project.

15. There are no proposed direct impacts to the vernal pools on site.

16. The applicant will place 80% of the land associated with the project into permanent conservation easement, under the stewardship of the Society of the Protection of NH Forests.

17. The applicant is placing 1670 acres into permanent easement under the stewardship of the Society for the Protection of NH Forests.

18. The applicant is proposing a state of the art wastewater treatment system, runoff treatment and has prioritized water conservation on the site.

19. The wetlands proposed to be impacted by the golf course are previously impacted areas that were originally agricultural fields prior to jurisdiction and were converted to a golf course in the mid 1990's.

20. The proposed road layout was done in such a way that the design is attempting to maintain similar flows to all drainages on site and to maintain the current flow paths.

21. NH Fish and Game personnel have noted that once restored the 41.1 acre parcel will provide high habitat value for American woodcock, beaver and muskrat.

22. The proposal has a net gain of streamside woody vegetation in the golf course area.

23. The proposed wetland enhancement/restoration area abuts the Danbury Bog Wildlife Management Area and will enhance that existing system.

24. The removal of the golf course from the wetland will improve the water quality by providing a greater treatment area and decreasing nutrient loading prior to reaching Bog Pond.

25. The Town of Danbury has approved the proposed development concept.

26. Sustainable fertilizing and pesticide management will reduce the potential of run off from the proposed golf course.

27. The applicant will Reestablish the woody cover over the stream channels will stabilize the stream banks and limit bank erosion during high flows.

28. The proposed mitigated wetland will increase their productivity and export to adjacent systems.

29. The applicant performed an adequate screening process to identify alternatives that could potentially satisfy the project purpose and summarized environmental consequences of each alternative. As a result of the screening process, a reasonable range of alternatives was selected for analysis.

30. The proposed project is the large scale re-development of an existing ski area and golf course.

31. The applicant will remove golf play from 20 acres of wetlands.

32. The applicant has met the requirements of Env-Wt 304.09(a).

33. The applicant has met the requirements of Env-Wt 304.09(c).

34. The applicant has received an Alteration of Terrain permit indicating that stormwater will be treated and detained in accordance with the current standards.

35. This permit is contingent upon the receipt of a Section 401 Water Quality Certificate that will be reviewed and monitored by NHDES Watershed Management Bureau.

36. The applicant has provided a waiver request per Env-Wt 204.03, to waive the 5 year permit duration as required by Env-Wt 502.01.

37. The applicant has requested this change in order to match both the duration of the town/local permits and the Section 404 Federal Permit.
38. It would be an economic hardship for the owner have to update the state permit while the federal and local permits would be in place.
39. The applicant has provided higher quality waste water facilities than NHDES requires.
40. The applicant has provided for buffers to the streams and limited the lawn areas on the lots to protect the water quality.
41. The applicant has increased the cover over the perennial and intermittent streams on the site.
42. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 502.01.
43. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
44. The Wetlands Bureau has not received any letters or significant numbers of phone calls from the general public indicating a substantial public interest. The applicant has had several public hearings in the town of Danbury with limited attendance.
45. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the resources, as identified under RSA 482-A:1.

2009-00828 USDA-FOREST SERVICE, WHITE MTN NATIONAL FOREST
BARTLETT Albany Brook

Requested Action:

Propose to replace two existing corrugated metal pipe culverts with two larger plate metal arch culverts, on two unnamed perennial streams that are tributaries to Albany Creek, impacting 2191 square feet of perennial stream bed and banks and an associated 294 linear feet of perennial stream bed and banks. The existing 10 foot wide culvert will be replaced with an 18 foot wide culvert, and the existing 8 foot wide culvert will be replaced with a 16 foot wide culvert.

APPROVE PERMIT:

Replace two existing corrugated metal pipe culverts with two larger plate metal arch culverts, on two unnamed perennial streams that are tributaries to Albany Creek, impacting 2191 square feet of perennial stream bed and banks and an associated 294 linear feet of perennial stream bed and banks. The existing 10 foot wide culvert will be replaced with an 18 foot wide culvert, and the existing 8 foot wide culvert will be replaced with a 16 foot wide culvert.

With Conditions:

1. All work shall be in accordance with plans by the U.S. Department of Agriculture, Forest Service entitled: Albany Brook & Trib Culverts, Aquatic Organism Passage (sheets 1-6 of 6) and Stream Grade Control (sheet GC-1) dated April 22, 2009 as received by DES on May 06, 2009.
2. Work shall be done during low flow.
3. The Permittee shall monitor the weather and not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
9. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

19. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The existing culverts prevent aquatic organism passage and cause erosion and deposition.

6. The new culverts were designed to fit the stream, provide improved flow, and allow aquatic organism passage.

7. The stream bed will be restored with natural rock and to the natural grade under the supervision of the Forest Fishery Biologist.

8. The new culverts were sized to accommodate a one-hundred year storm event.

9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Bartlett Conservation Commission.

10. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03 as the stream bed impacts are temporary and will be restored.

11. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2006-00700 JOHNGIS REALTY LLC, DAVID JOHNSON
BELMONT Unnamed Wetland Tioga River

Requested Action:

Impact 8663 square feet to construct a roadway to a 43 lot subdivision.

APPROVE PERMIT:

Impact 8663 square feet to construct a roadway to a 43 lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Holden Surveying and Engineering dated September 20, 2005, and revised through

May 22, 2007 as received by the Department on February 4, 2009 and June 14, 2007.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
10. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # of this approval.
11. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. Work shall be done during low flow.
14. Work shall be done during low flow.
15. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Silt fencing must be removed once the area is stabilized.
22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The approval of this permit was as a result of an agreement at a pre-hearing conference between the engineer and NH DES Wetland Staff.

2008-02303 PINE PARK ASSOCIATION, KATE GUEST
HANOVER Girl Brook

Requested Action:

Propose to confirm emergency authorization to impact 3,380 square feet (170 linear feet) of the bed and banks of Girl Brook, an intermittent stream. Work in jurisdiction involved placing rip-rap to stabilize two bridge abutments (1,665 square feet), constructing three stone cross-veins within the channel (360 square feet), repair and maintenance of an existing at-grade stone crossing (300 square feet), the creation of a flood plain bench downstream of the bridge abutments (805 square feet) and a temporary berm (250

square feet).

APPROVE PERMIT:

Confirm emergency authorization to impact 3,380 square feet (170 linear feet) of the bed and banks of Girl Brook, an intermittent stream. Work in jurisdiction involved placing rip-rap to stabilize two bridge abutments (1,665 square feet), constructing three stone cross-veins within the channel (360 square feet), repair and maintenance of an existing at-grade stone crossing (300 square feet), the creation of a flood plain bench downstream of the bridge abutments (805 square feet) and a temporary berm (250 square feet).

With Conditions:

1. Temporary impacts areas shall be restored to existing conditions. These areas shall be monitored and remedial actions taken if necessary.
2. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 120 days of the completion of construction.
3. A certified wetland scientist shall conduct a follow-up inspection after the first and second growing seasons, to review the success of the restoration and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of each year.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 27, 2008.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Natural Heritage Bureau (NHB) commented that two of the plant species, Goldie's fern (*Dryopteris goldiana*) and northern waterleaf (*Hydrophyllum virginianum*), occur downstream of the project area, but far enough away that NHB has eliminated concerns about potential impacts to these species. NHB was most concerned about potential impacts to the great lobelia (*Lobelia siphilitica*), which according to the project boundaries submitted to NHB in January, occurred within the project area. However, based on recent information provided to NHB (project narrative and photos), it appears that the work completed all took place in a small area immediately up-stream of the bridge crossing over Girl Brook. According to Natural Heritage botanist, Bill Nichols, who last observed the great lobelia in 2007, the population occurs further upstream of the bridge area and thus should not have been impacted by the work completed under the emergency permit.
6. The stabilization of the banks is expected to reduce sedimentation and erosion, and improve water quality.
7. A temporary berm was constructed to control turbidity and sediment.
8. Temporary impacts to construct a berm will be restored to pre-construction conditions.
9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Hanover Conservation Commission.

2009-00466 **CENTER HARBOR, TOWN OF**
CENTER HARBOR **Squam Lake**

Requested Action:

Impact 3,360 sq. ft. of lacustrine and palustrine wetlands (2,470 sq. ft. temporary) to replace a single lane, 14.7 ft. wide x 15 ft. slab (8 to 10 ft. span) bridge with a two lane, 20 ft. wide x 24 ft. span bridge. (NHDOT project #15403)

Inspection Date: 07/30/2009 by Gino E Infascelli

APPROVE PERMIT:

Impact 3,360 sq. ft. of lacustrine and palustrine wetlands (2,470 sq. ft. temporary) to replace a single lane, 14.7 ft. wide x 15 ft. slab (8 to 10 ft. span) bridge with a two lane, 20 ft. wide x 24 ft. span bridge. (NHDOT project #15403)

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants LLC dated 03.13.09 as revised 7/23/09 and received by the Department of Environmental Services ("DES") on July 24, 2009.
2. The modified plans noted in condition #1, reducing the amount of impact within jurisdiction, supercede the plan set noted in the Comprehensive Shoreland Permit #2009-00454.
3. Written permission from each property owner impacted by this project, whether temporary or permanent, shall be gained by the applicant prior to construction.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Work shall be done during drawdown.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. The material dredged from the wetlands to construct a temporary road shall be stockpiled in an upland area, properly contained, and replaced to the original contours where the plans show the impacts to be temporary.
11. Areas below elevation 564, except stone as shown, shall be revegeted.
12. The impacts to existing vegetation shall be minimized and root systems shall remain in place where possible.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), alteration of between 50 and 200 feet, measured along the shoreline, of a lake or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 30, 2009. Field inspection determined that the areas shown on the plans as stream bed or channel are actually part of the lacustrine system and not riverine. The modified plans have eliminated the permanent impacts to the marsh on the south west side of the project area and will not impact the great pond or flowage.
6. The applicant has submitted modified plans reducing the amount of impact within jurisdiction and therefore the modified plans as approved supercede the plan set noted in the Comprehensive Shoreland Permit #2009-00454.
7. The modified plans have reduced the impacts to surface waters (marsh) by utilizing vegetated filter socks.

2009-00479 QUINBY, RICHARD & DIANNE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair two existing 6 ft x 29 ft permanent docks attached to a 9 ft x 32 ft permanent walkway in kind, and install a 20 ft x 32 ft

seasonal canopy on an average of 454 feet of frontage on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com questions need for removing tree and stump and the requested bank impacts

APPROVE PERMIT:

Repair two existing 6 ft x 29 ft permanent docks attached to a 9 ft x 32 ft permanent walkway in kind, and install a 20 ft x 32 ft seasonal canopy on an average of 454 feet of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co dated July 24, 2009, as received by DES on July 28, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.

2009-00548 MIERZWA, ZENNON
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair an existing 25 ft x 27 ft boathouse supported by a 10 ft x 38 ft permanent dock, permanently remove the 9 ft 4 in x 5 ft 6 in crib and a 9 ft 4 in x 24 ft crib and add piles to support the dock, repair a 6 ft x 29 ft 6 in permanent dock, permanently remove a 4 ft 7 in x 8 ft 6 in crib and a 4 ft 7 in x 9 ft crib and add piles to support the dock, with two ice protection piles in front of the northern slip, replace an existing 20 ft retaining wall and extend the wall an additional 8 ft for a total wall length of 28 feet, permanently remove 2 ice piles and a 3 pile ice cluster in front of the southern dock, dredge 19 cubic yards from 350 sq ft on Lake Winnepesaukee, in Wolfboro.

Conservation Commission/Staff Comments:

Con Com submitted comments stating the proposed project does not appear to meet the current rules

APPROVE PERMIT:

Repair an existing 25 ft x 27 ft boathouse supported by a 10 ft x 38 ft permanent dock, permanently remove the 9 ft 4 in x 5 ft 6 in

crib and a 9 ft 4 in x 24 ft crib and add piles to support the dock, repair a 6 ft x 29 ft 6 in permanent dock, permanently remove a 4 ft 7 in x 8 ft 6 in crib and a 4 ft 7 in x 9 ft crib and add piles to support the dock, with two ice protection piles in front of the northern slip, replace an existing 20 ft retaining wall and extend the wall an additional 8 ft for a total wall length of 28 feet, permanently remove 2 ice piles and a 3 pile ice cluster in front of the southern dock, dredge 19 cubic yards from 350 sq ft on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Harold Johnson Inc dated December 06, 2007, as revised by Regina Nadeau revision dated August 24, 2009, as received by DES on August 24, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. No repair work may be conducted until the piles proposed to be removed are completely removed from the water body.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.032(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The removal of the cribs and replacement with piles is less impacting to the waterbody than repairing the cribs in kind.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.
7. The applicant has an average of 148 feet of shoreline frontage along Lake Winnepesaukee.
8. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
9. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-01121 CONCORD, CITY OF
CONCORD Unnamed Stream Wetlands

Requested Action:

Proposal to dredge and fill approximately 1,967 sq. ft. of wetlands and associated perennial stream for approximately 6,600 linear ft. of roadway improvements including travel lanes, shoulders grass strips and new sidewalks. Work in wetlands consists of extending an existing bottomless box culvert approximately 10 ft., side-slope fill and temporary impacts for erosion controls.

APPROVE PERMIT:

Dredge and fill approximately 1,967 sq. ft. of wetlands and associated perennial stream for approximately 6,600 linear ft. of roadway improvements including travel lanes, shoulders grass strips and new sidewalks. Work in wetlands consists of extending an existing bottomless box culvert approximately 10 ft., side-slope fill and temporary impacts for erosion controls.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford & Thorndike, LLC plan sheets 1 and 2 of 13 dated April 2009 and plan sheets 4 and 8 through 12 of 13, and narratives dated May 2009, as received by DES on June 3, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2008-02184 **BELIVEAU, PAUL**
MANCHESTER **Merrimack River**

Requested Action:

Repair an existing 21 linear feet and 39 linear feet of rip rap in the same footprint, install a 6 ft x 30 ft seasonal wharf accessed by a 6 ft x 10 ft seasonal walkway on an average of 92 ft of frontage on the Merrimack River, in Manchester.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application, no comments from Con Com by December 18, 2008.

APPROVE PERMIT:

Repair an existing 21 linear feet and 39 linear feet of rip rap in the same footprint, install a 6 ft x 30 ft seasonal wharf accessed by a 6 ft x 10 ft seasonal walkway on an average of 92 ft of frontage on the Merrimack River, in Manchester.

With Conditions:

1. All work shall be in accordance with plans by CLD Engineers revision dated July 10, 2009, as received by DES on July 10, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Area shall be regraded to original contours following completion of work.
5. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. This permit does not allow for the removal of any trees on the frontage.
8. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. The seasonal pier shall be removed from the water body for the non-boating season.
10. No portion of the pier shall extend more than 16 feet from the shoreline at full lake elevation.
11. The seasonal wharf shall not be installed until a signed Dock License Agreement has been completed with PSNH and a copy forwarded to the Department.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposal is to repair an existing rip rap slope along the frontage with no change.
4. The applicant has an average of 91 feet of shoreline frontage along the Merrimack River.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 1 slip as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-00661 **SUGAR HILL, TOWN OF**
SUGAR HILL **Tributary To Gale River**

Requested Action:

Propose to confirm emergency authorization to impact 364 square feet of an intermittent stream (47 linear feet) and the bank of a perennial stream (12 linear feet) for the replacement an existing culvert at the same location with a culvert of the same length and diameter.

APPROVE PERMIT:

Confirm emergency authorization to impact 364 square feet of an intermittent stream (47 linear feet) and the bank of a perennial stream (12 linear feet) for the replacement an existing culvert at the same location with a culvert of the same length and diameter.

With Conditions:

1. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
2. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), maintenance, repair, or replacement of existing culverts.
2. The project was necessary to provide safe access on Streeter Pond Road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 16, 2009.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01157 NH DES DAM BUREAU
NEW LONDON Little Sunapee Lake

Requested Action:

Proposal to impact approximately 85 sq. ft. (temporary) of surface waters (Little Sunapee Lake) to install a temporary cofferdam and repair concrete at the stoplog outlet.

APPROVE PERMIT:

Impact approximately 85 sq. ft. (temporary) of surface waters (Little Sunapee Lake) to install a temporary cofferdam and repair concrete at the stoplog outlet.

With Conditions:

1. All work shall be in accordance with plans and narratives by the NHDES Dam Bureau plans dated 6/1/09, as received by DES on 6/12/09.
2. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
3. Unconfined work within the lake, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam

is fully effective, confined work can proceed without restriction.

5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01304 NH DES DAM BUREAU
HOPKINTON Grassy Pond

Requested Action:

Emergency Authorization request to repair concrete training walls and stone replacement at the Grassy Pond Dam.

CONFIRM EMERGENCY AUTHORIZATION:

Emergency Authorization Confirmation for repairs to concrete training walls and stone replacement at the Grassy Pond Dam.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The repairs were needed immediately to prevent further deterioration and potential failure of portions of the dam.

FORESTRY NOTIFICATION

2009-01754 VON SNEIDERN, PETER & LORI
TEMPLE Unnamed Stream

COMPLETE NOTIFICATION:
Temple Tax Map 5, Lot# 43 & 47

2009-01862 RENDALL, GEOFFREY & NANCY
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 406, Lot# 32

2009-01863 BURNETT, ROBERT
BRADFORD Unnamed Stream

COMPLETE NOTIFICATION:
Bradford Tax Map 9, Lot# 19

2009-01864 YANKEE FOREST LLC, C/O WAGNER FOREST MGMT
GORHAM Unnamed Stream

COMPLETE NOTIFICATION:
Gorham Tax Map R6, Lot# 7

2009-01886 CALEF, GEORGE
BARRINGTON Unnamed Stream Drainage Area

DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN:
Barrington Tax Map /Lot# 235/55, 238/9.1 & 14

EXPEDITED MINIMUM

2009-01194 POSNACK, ALAN & ANNE
ALTON Lake Winnepesaukee

Requested Action:
Replace two wooden tie off piles, repair an existing 4 ft x 30 ft permanent dock and a 2 ft x 20 ft permanent dock connected to a 4 ft x 41 ft permanent dock in a "F" shaped configuration, install a seasonal PWC lift on an average of 125 ft of frontage, Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

APPROVE PERMIT:

Replace two wooden tie off piles, repair an existing 4 ft x 30 ft permanent dock and a 2 ft x 20 ft permanent dock connected to a 4 ft x 41 ft permanent dock in a "F" shaped configuration, install a seasonal PWC lift on an average of 125 ft of frontage, Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on July 30, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. This permit does not allow for any repairs to the existing breakwater.
5. The repairs shall maintain the size, location and configuration of the pre-existing structures.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 125 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-01589 CARBONE, RANDALL
WOLFEBORO Lake Wentworth

Requested Action:

Temporarily impact 95 sq ft of wetlands to add plantings to a frontage on Wentworth Lake, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Temporarily impact 95 sq ft of wetlands to add plantings to a frontage on Wentworth Lake, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Robert Pollock dated July 07, 2009, as received by DES on July 27, 2009.
2. Area shall be regraded to original contours and condition following completion of work.

3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), "projects deemed minimum impact by the department based on the degree of environmental impact."

2009-01590

HILL OF GRACE REALTY TRUST, DANIELLE ANNE ADES TTE

RYE Atlantic Ocean

Requested Action:

Impact 6,554 sq. ft. (2,952 sq. ft. of permanent impacts and 3,592 sq. ft. of temporary impacts) within the previously-developed 100-foot tidal buffer zone for the redevelopment of an existing single-family residential dwelling on the Atlantic Ocean with approximately 120 linear feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 6,554 sq. ft. (2,952 sq. ft. of permanent impacts and 3,592 sq. ft. of temporary impacts) within the previously-developed 100-foot tidal buffer zone for the redevelopment of an existing single-family residential dwelling on the Atlantic Ocean with approximately 120 linear feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with the Proposed Condition Plan by NHSC, Inc. dated June 22, 2009, as received by DES on July 27, 2009.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
4. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, or for any other construction related activities.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. No more than 30% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01639 HAMMOND, CAROL
DALTON Unnamed Pond

Requested Action:

Propose to impact 1,200 square feet of a man-made pond for repairs to the pond lining.

APPROVE PERMIT:

Impact 1,200 square feet of a man-made pond for repairs to the pond lining.

With Conditions:

1. All work shall be done in accordance with a plan by Raymond Lobdell entitled Carol Hammond Pond Repair Plan as received by DES on July 30, 2009.
2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
3. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Machinery shall not be located within surface waters, where practicable.
5. Machinery shall be staged and refueled in upland areas.
6. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by the Department based on the degree of environmental impact.
2. The construction of the fire pond was permitted by wetlands file 1988-1996.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Dalton Conservation Commission signed the Minimum Impact Expedited Application.

GOLD DREDGE

2009-01918 STEVENS, PATRICK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-01919 STARBIRD, JENNY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

TRAILS NOTIFICATION

2009-01765 PELHAM FORESTRY COMMITTEE
PELHAM Unnamed Wetland

2009-01861 NH DRED, SANDY YOUNG
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, Lot# 26

ROADWAY MAINTENANCE NOTIF

2009-01936 NH DEPT OF TRANSPORTATION
PITTSFIELD Unnamed Wetland

COMPLETE NOTIFICATION:
Culvert replacements

2009-01937 DERRY, TOWN OF
DERRY Unnamed Stream

COMPLETE NOTIFICATION:
Culvert replacements with headwalls

2009-01938 **NH DEPT OF TRANSPORTATION, DISTRICT 2**
SUTTON **Unnamed Stream Wetland**

COMPLETE NOTIFICATION:
Culvert replacement and outlet cleaning

2009-01939 **NH DEPT OF TRANSPORTATION**
COLEBROOK **Unnamed Wetland**

COMPLETE NOTIFICATION:
REplace 15x50 culvert same size & location

PERMIT BY NOTIFICATION

2009-01162 **ROBINSON, CAROLINE**
ANDOVER **Unnamed Pond**

Requested Action:
Proposal to maintenance dredge an existing farm pond, temporally impacting approximately 3,000 sq. ft. of wetlands.

Conservation Commission/Staff Comments:
1. The Conservation Commission signed the PBN application waiving their right to intervene on the proposed project.

PBN IS COMPLETE:
PBN complete to maintenance dredge an existing farm pond, temporally impacting approximately 3,000 sq. ft. of wetlands.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage, ditches, man-made ponds, and spillways.

2009-01723 **PSNH**
LEE **Unnamed Wetland**

Requested Action:
Temporarily impact 3,600 sq. ft. of wetlands by placing swamp mats for access for utility line maintenance.

Conservation Commission/Staff Comments:
Conservation Commision has signed PBN

PBN IS COMPLETE:
Temporarily impact 3,600 sq. ft. of wetlands by placing swamp mats for access for utility line maintenance.

2009-01743 DOBROWSKI REVOC TRUST, DONALD & JOANNE
MOULTONBOROUGH Unnamed Stream

Requested Action:

Proposal to repair and replace 55 linear ft. of failed drain pipe/culvert.

PBN IS COMPLETE:

PBN complete for repair and replacement of approximately 55 linear ft. of failed drain pipe/culvert.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. There was a permit issued in 1995 (file #1995-1824) for installation of a section of similar culvert on the property.

2009-01797 NH DES DAM BUREAU
DEERFIELD Pleasant Lake

Requested Action:

Dredge and fill 814 sq. ft. of wetlands to install a replacement 36" wide by 55' long roadway culvert within Pleasant Lake Dam.

PBN IS COMPLETE:

Dredge and fill 814 sq. ft. of wetlands to install a replacement 36" wide by 55' long roadway culvert within Pleasant Lake Dam.

2009-01838 FORBES, FRED
TUFTONBORO Lake Winnepesaukee

Requested Action:

Install a 4 ft x 30 ft seasonal pier on an average of 216 ft of frontage on Lake Winnepesaukee in Tuftonboro.

PBN IS COMPLETE:

Install a 4 ft x 30 ft seasonal pier on an average of 216 ft of frontage on Lake Winnepesaukee in Tuftonboro.

With Findings:

1. This project qualifies for Permit by Notification in accordance with Rule Env-Wt 506.01, (a), (1).

2009-01859 GRANGWER, JESSE
DURHAM Unnamed Stream

Requested Action:

Temporarily impact 1,500 sq. ft. of wetlands to place mats to access and upgrade the height of an existing municipal sewer manhole.

PBN IS COMPLETE:

Temporarily impact 1,500 sq. ft. of wetlands to place mats to access and upgrade the height of an existing municipal sewer manhole.

2009-01890 BRANDT, HENRY/JACQUELINE
PORTSMOUTH Unnamed Wetland

Requested Action:

Impact 640 sq. ft. of wetlands for the construction of a pedestrian bridge for recreational access.

Conservation Commission/Staff Comments:

Conservation Commission signed PBN

PBN IS COMPLETE:

Impact 640 sq. ft. of wetlands for the construction of a pedestrian bridge for recreational access.

2009-01891 SCHAEBERLE, ROBERT & BEATRICE
ALTON Lake Winnepesaukee

Requested Action:

Repair existing docking structures.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair existing docking structures.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-01893 NH VETERANS HOME
TILTON Unnamed Pond

Requested Action:

Proposal to install a closed loop heat exchanger within Ledu Pond.

PBN DISQUALIFIED:

Disqualify proposal to install a closed lop heat exchanger within Ledu Pond.

With Findings:

1. The project does not comply with Administrative Rules for minimum impact project Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that:

(1) The work is done within the original bounds of a legally-constructed project;

(2) The project is not located in or adjacent to prime wetlands;

(3) The work does not exceed 20,000 square feet; and

(4) For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01;

2. The project does not comply with Administrative Rule Env-Wt 506.01, Projects Qualifying for Permit by Notification. (a) The following projects shall qualify for the permit by notification process: (3) Maintenance dredging that meets the criteria in Env-Wt 303.04(k).

3. The project does not qualify for any project type identified in Administrative Rules Env-Wt 506.01.

3. The project is to install a structure in wetlands and is not for the continued usefulness of the existing pond.
4. If submitted under the correct application and project type the Wetlands Bureau would require approval from the NHDES Drinking Water and Ground Water Bureau before its approval.

CSPA PERMIT

2009-00462 HARRIS, CHARLES
CENTER HARBOR Squam Lake

Requested Action:

Impact 19,015 sq ft for the purpose of converting a non-conforming, primary structure to a conforming single-family dwelling by removing attached decking structures that encroach into the primary building setback and then constructing an addition, an attached garage, and two decks onto the existing dwelling, and expanding an existing driveway.

APPROVE AMENDMENT:

AMENDMENT TO READ: Impact 19,015 sq ft for the purpose of converting a non-conforming, primary structure to a conforming single-family dwelling by removing attached decking structures that encroach into the primary building setback and then constructing an addition, an attached garage, and two decks onto the existing dwelling, and expanding an existing driveway.

With Conditions:

1. All work shall be in accordance with plan set SP-1 by Randall T Mudge and Associates revised July 27, 2009 and received by the Department of Environmental Services ("DES") on July 31, 2009.
2. No expansion of the primary structure shall occur until the existing decks within the Primary Building Setback have been removed.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. No portion of the proposed decks or primary structure shall be constructed within the Primary Building Setback.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 13.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 14,790 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,215 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or condition depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01032 WOODBURY FOREST INC, HARRY WOODBURY
FRANCESTOWN Pleasant Pond

Requested Action:

Impact 3040 sq ft for the purpose of constructing an access road to the property and a 6' wide path to the waterfront.

APPROVE PERMIT:

Impact 3040 sq ft for the purpose of constructing an access road to the property and a 6' wide path to the waterfront.

With Conditions:

1. All work shall be in accordance with plans by Christopher Danforth & Associates LLC revised August 11, 2009 and received by the Department of Environmental Services ("DES") on August 14, 2009.
2. All impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 3.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 14,714 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 14,714 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or condition depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01392 KOZLOVSKY, ALEXANDER
WOLFEBORO Cresent Lake

Requested Action:

Impact 18,579 sq ft for the purpose of removing an existing single-family dwelling, shed and deck and constructing a new single-family dwelling, a sauna building and a deck.

APPROVE PERMIT:

Impact 18,579 sq ft for the purpose of removing an existing single-family dwelling, shed and deck and constructing a new single-family dwelling, a sauna building and a deck.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated June 8, 2009 and received by the Department of

Environmental Services ("DES") on July 6, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 4.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 12,100 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,977 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01422 SINGELAIS JR, LAWRENCE
DURHAM Great Bay

Requested Action:

Impact 5,131 sq ft for the purpose of expanding an existing primary structure, constructing a new garage and associated accessory structures.

APPROVE PERMIT:

Impact 5,131 sq ft for the purpose of expanding an existing primary structure, constructing a new garage and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by NHSC Inc., and received by the Department of Environmental Services ("DES") on July 8, 2009.
2. No more than 13.63% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,431 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and

remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Silt fencing must be removed once the area is stabilized.

12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2009-01469 PERROTTA, THOMAS
WHITEFIELD Forest Lake

Requested Action:

Impact 3313 sq ft for the purpose of removing an existing, non-conforming primary structure and constructing a conforming single-family dwelling with driveway and state approved septic system.

APPROVE PERMIT:

Impact 3313 sq ft for the purpose of removing an existing, non-conforming primary structure and constructing a conforming single-family dwelling with driveway and state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Thomas Perrotta dated July 14, 2009 and received by the Department of Environmental Services ("DES") on July 14, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The area within the waterfront buffer where existing structures are to be removed according to plans by Thomas Perrotta shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
4. The temporary 12' wide access path through the waterfront buffer to allow for construction access shall be revegetated with native vegetation upon completion of the proposed project.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 19.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. No portion of the proposed primary structure shall be constructed within the primary building setback.
11. The project as proposed will leave approximately 1,425 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,425 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

13. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01505 SORENSON TRUST, JOHN
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 3,200 sq ft for the purpose of constructing a new, conforming, residential dwelling and installing a new septic system.

APPROVE PERMIT:

Impact 3,200 sq ft for the purpose of constructing a new, conforming, residential dwelling and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans submitted by Paul Borders Island Service Corp. dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 17, 2009 and August 27, 2009.
2. No more than 11.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,290 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01608 STURM RUGER & COMPANY INC
NEWPORT Sugar River

Requested Action:

Impact 128,126 sq ft for the purpose of renovating an existing manufacturing facility.

APPROVE PERMIT:

Impact 128,126 sq ft for the purpose of renovating an existing manufacturing facility.

With Conditions:

1. All work shall be in accordance with plans by GZA GeoEnvironmental, Inc. Engineers and Scientists dated June, 2009 and August, 2009, and received by the Department of Environmental Services ("DES") on July 27, 2009 and August 13, 2009.
2. No more than 30.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 222,157 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 138,682 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at areas of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
14. This permit is contingent on approval by the DES Alteration of Terrain Program for all impacts jurisdictional under RSA 485-A:17.

**2009-01617 ALLENSTOWN SEWER COMMISSION, TOWN OF
ALLENSTOWN Merrimack River**

Requested Action:

Impact 1,386 sq ft for the purpose of constructing and installing an enhanced wastewater treatment process.

APPROVE PERMIT:

Impact 1,386 sq ft for the purpose of constructing and installing an enhanced wastewater treatment process.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc., dated July 17, 2009 and received by the Department of Environmental Services ("DES") on July 27, 2009 and August 20, 2009.
2. No more than 13.50% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 104,848 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 85,449 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01622 CROSBY, DONALD & NANCY
ALTON Lake Winnepesaukee

Requested Action:

Impact 250 sq ft for the purpose of constructing a new walkway.

APPROVE PERMIT:

Impact 250 sq ft for the purpose of constructing a new walkway.

With Conditions:

1. All work shall be in accordance with plans by Barnett Building Contractors received by the Department of Environmental Services ("DES") on July 29, 2009 and August 20, 2009.
2. No more than 11.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,300 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,750 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Silt fencing must be removed once the area is stabilized.

2009-01623 BOSHAR, MARK & MICHELE
HEBRON Newfound Lake

Requested Action:

Impact 240 sq ft for the purpose of repairing an existing retaining wall.

APPROVE PERMIT:

Impact 240 sq ft for the purpose of repairing an existing retaining wall.

With Conditions:

1. All work shall be in accordance with plans submitted by Stoney Ridge Environmental, LLC., dated July, 2008 and received by the Department of Environmental Services ("DES") on July 29, 2009 and August 19, 2009.
2. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,095 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,018 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Wetlands Bureau for all impacts jurisdictional under RSA 482-A.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01653 MOSES WOLFEBORO REALTY TRUST, GERALD & CAROLYN MOS
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 5,834 sq ft for the purpose of constructing an attached garage and reconfiguring existing driveways.

APPROVE PERMIT:

Impact 5,834 sq ft for the purpose of constructing an attached garage and reconfiguring existing driveways.

With Conditions:

1. All work shall be in accordance with plans by Beckworth Builders, Inc., dated July 29, 2009 and received by the Department of Environmental Services ("DES") on August 3, 2009.
2. No more than 19.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,351 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,898 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01664 COOPER, MARK
HAMPSTEAD Big Island Pond

Requested Action:

Impact 3747 sq ft for the purpose of removing an existing garage and constructing a single-family dwelling with a driveway and a state approved septic system.

APPROVE PERMIT:

Impact 3747 sq ft for the purpose of removing an existing garage and constructing a single-family dwelling with a driveway and a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by James Lavelle Associates LLC dated March 23, 2009 and received by the Department of Environmental Services ("DES") on August 4, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and

mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No more than 14.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01681

BEAUCHEMIN, ROBERT

BATH Wild Ammonoosuc

Requested Action:

Impact 2280 sq ft for the purpose of installing a state approved replacement septic system.

APPROVE PERMIT:

Impact 2280 sq ft for the purpose of installing a state approved replacement septic system.

With Conditions:

1. All work shall be in accordance with plans by Jane Blais Design Services revised July 27, 2009 and received by the Department of Environmental Services ("DES") on August 5, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).

5. There shall be no additional impervious surface area added to the lot of record within the Protected Shoreland for the purpose of completing the proposed project unless additional approval is obtained from DES.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation

action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01777 MILTON WATER DISTRICT
MILTON Salmon Falls River

Requested Action:

Impact 9500 sq ft for the purpose of replacing an existing waterline.

APPROVE PERMIT:

Impact 9500 sq ft for the purpose of replacing an existing waterline.

With Conditions:

1. All work shall be in accordance with plans by Stantec dated July 2009 and received by the Department of Environmental Services ("DES") on August 12, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01888 NH DEPT OF TRANSPORTATION
DUMMER Androscoggin River

Requested Action:

Impact 123,550 sq ft within protected shorelands along the Androscoggin River to realign approximately 2,640 linear feet of Rte 16 in Dummer.

APPROVE PERMIT:

Impact 123,550 sq ft within protected shorelands along the Androscoggin River to realign approximately 2,640 linear feet of Rte 16 in Dummer.

With Conditions:

1. All work shall be in accordance with plans by the NH DOT Bureau of Highway Design dated August 20, 2009 and received by the Department of Environmental Services ("DES") on August 21, 2009.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. Silt fencing must be removed once the area is stabilized.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. All work within the banks of the Androscoggin River shall only be conducted as approved by the Wetlands Bureau in accordance with RSA 482-A.

With Findings:

1. In accordance with RSA 483-B:9, IV-b, public roads shall be permitted as "necessary and consistent with the purposes of this chapter and other state law."
2. In accordance with RSA 483-B:2,I the standards developed under the act shall serve to "Further the maintenance of safe and healthful conditions."
3. Slope failures caused by flooding of the Androscoggin River have made it necessary to relocate this section of Route 16 away from the river in order to ensure the safety and stability of the roadway.
4. This project is approved and it meets the purpose of the Shoreland Protection Act as stated in RSA 483-B:2, I.

CSPA PERMIT W/WAIVER

2009-00875 ARMSTRONG, ALAN/RICHARD
WINDHAM Cobbetts Pond

Requested Action:

Impact 9630 sq ft to raze an existing nonconforming structure and two sheds; replace with a new 1540 sq ft nonconforming structure; construct a walkway using pervious pavers, pave 3170 sq ft of private road, install a new state approved septic system, and drill a new well.

Inspection Date: 06/10/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 9630 sq ft to raze an existing nonconforming structure and two sheds; replace with a new 1540 sq ft nonconforming structure; construct a walkway using pervious pavers, pave 3170 sq ft of private road, install a new state approved septic system, and drill a new well.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc dated August 2, 2009 and received by the Department of Environmental Services ("DES") on August 18, 2009.
2. No more than 44.01% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This approval includes a Waiver of RSA 483-B:9,II(b) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. The project as proposed will leave approximately 440 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. All of the existing 440 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Cobbetts Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in a decrease in impervious surfaces from 56.38% to 44.01%.
4. The applicant has proposed to plant native vegetation, install a state approved septic system, reduce impervious surfaces from 56.38% to 44.01%, install two dry wells, install swales, and use pervious pavers; and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-01202 BROOKLINE, TOWN OF
BROOKLINE Potanipo Lake

Requested Action:

Impact 2300 sq ft for the purpose of constructing a restroom facility to service a public park and installing a state approved septic & well.

APPROVE PERMIT:

Impact 2300 sq ft for the purpose of constructing restroom facility to service a public park and installing a state approved septic & well.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,V(g)(2)and RSA 483-B:9,V(b)(2)
(A)(ii)are hereby waived to allow construction of the proposed project.

With Conditions:

1. All work shall be in accordance with plans by Farwell Engineering Services revised July 17, 2009 and received by the Department of Environmental Services ("DES") on July 27, 2009. 2. This approval includes a waiver of RSA 483-B:9,V(g)(2) and RSA 483-B:9,V(b)(2)(A)(ii). and, therefore, shall not be effective until it has been recorded at the Hillsborough County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

4. The area within the Natural Woodland Buffer to be impacted for the temporary impacts associated with the installation of the proposed state approved septic system shall be revegetated with native shrubs and ground covers within 90 days of installation.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 22.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 3350 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
2. The project as proposed would result in the temporary removal of vegetation within the Natural Woodland Buffer beyond that which is allowed under 483-B:9,V(b)(2)(A)(ii) and fails to replant the Waterfront Buffer as outlined in RSA 483-B:9,V(g)(2).
3. The applicant has proposed to provide adequate restroom facilities in an existing public recreation area, install a state approved septic system, and install drip edges around the proposed bathroom facility and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-01247 **LONG, Nanci**
ALTON **Alton Bay**

Requested Action:

Impact 2981 sq ft to raze a non-conforming 595 sq ft structure and construct a new 682 sq ft structure with foundation.

Inspection Date: 07/16/2009 by Raymond M Reimold

DENY PERMIT:

Impact 2981 sq ft to raze a non-conforming 595 sq ft structure and construct a new 682 sq ft structure with foundation.

With Findings:

Standards for Approval:

1. In accordance with RSA 483-B:5-b, I, (a), Permit Required; Exemption, "No person shall commence construction, excavation, or

filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter."

2. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."

3. In accordance with RSA 483-B:11, I, "Except as otherwise prohibited by law, nonconforming structures located within the protected shoreland may be repaired, renovated, or replaced in kind using modern technologies, provided the result is functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but shall result in no expansion of the existing footprint except as authorized by the department pursuant to paragraph II".

4. Pursuant to RSA 483-B:11, II, "When reviewing requests for the redevelopment of sites...the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters."

5. In accordance with RSA 483-B:11, II, "More nearly conforming means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

6. In accordance with RSA 483-B:9,II (b) "Primary structures shall be set back behind the primary building line which is 50 feet from the reference line".

7. In accordance with RSA 483-B:2, I, the state shall develop standards necessary to protect public waters which shall serve to "Further the maintenance of safe and healthful conditions".

8. In accordance with RSA 483-B:2, II, the state shall develop standards necessary to protect public waters which shall serve to "Provide for the wise utilization of water and related land resources".

9. In accordance with RSA 483-B:2, V, the state shall develop standards necessary to protect public waters which shall serve to "Protect buildings and lands from flooding and accelerated erosion".

10. In accordance with RSA 483-B:2, XV, the state shall develop standards necessary to protect public waters which shall serve to "Anticipate and respond to the impacts of development in shoreland areas".

11. In accordance with RSA 483-B:9, V, (h) Common Owners And Residential Or Non-Residential Development, "In the protected shoreland, waterfront parcels held in common by one or more owners of contiguous interior parcels may be developed, but only in a manner consistent with the provisions of this chapter. Care shall be taken for the adequate provision of parking, toilet facilities, and related support systems to minimize the project's impact on the public waters."

12. In accordance with Env-Wq 1408.03 "No deck or porch located between the primary building line and the reference line shall be converted to become part of the primary living space".

Findings of Fact:

1. The Applicant is the owner of one of approximately 227 jurisdictional structures located on land owned by owned by the Alton Bay Christian Conference Center (the "Center"). The Center's lot of record, more particularly identified as Alton tax map 34, lot 33-40 (the "Property"), is approximately 28.60 acres in size, of which approximately 10.61 acres within the Protected Shoreland of Lake Winnepesaukee.

2. On June 19, 2009 the Department of Environmental Services received a request for a waiver of RSA 483-B:9(II)(b)in order to raze the Applicant's existing non-conforming structure and replace it with a larger non-conforming structure.

3. The existing 595 sq ft structure is located approximately 18 ft from the reference line and fails to conform to RSA 483-B:9,II(b).

4. The project as proposed would raze the existing non conforming structure, and replace it with a larger structure that would also fail to meet the 50 ft setback.

5. The project as proposed would create living space by converting an area that was previously a covered porch into living space.

6. The project as proposed would require removal of vegetation, stumps and roots within the Waterfront Buffer to accommodate a new, larger structure.

7. The project as proposed would require cutting, filling, and attempted re-stabilization of a slope having a grade of approximately 36 % to construct the new, larger structure within the waterfront buffer.

8. The project as proposed includes construction a rain garden on a steep slope within the waterfront buffer.

9. The agent has failed to provide a conclusive and accurate assessment of the percentage of the impervious surfaces existing on the Property.

10. There is sufficient area upslope of the Applicant's structure to relocate the proposed structure to a point completely behind the primary building line.

Ruling in Support of the Decision:

1. The issuance of a waiver to raze an existing nonconforming structure and replace it with a larger structure that does not meet the 50 foot building setback where a conforming structure could be constructed would not be consistent with the intent of RSA 483-B:9(II)(b), and therefore, would not be permissible.
2. The issuance of a permit to convert an area that is currently a covered deck within the waterfront buffer to living space would not be permissible under Env-Wq 1408.03; and would not be consistent with the intent of RSA 483-B.
3. The issuance of a permit to remove areas of vegetation, roots and stumps within the Waterfront Buffer to accommodate a new, larger structure would not be permissible under RSA 483-B:9(V)((a)(2)(B) and RSA 483-B:9(V)((a)(2)(C), and would not be consistent with the intent of RSA 483-B.
4. The issuance of a permit to cut and fill a 36 % slope to construct a new, larger structure on a steep slope within the waterfront buffer would not be consistent with the intent of RSA 483-B.
5. The destabilization of a steep slope to construct a rain garden would not be consistent with the intent of RSA 483-B.
6. The removal of vegetation combined with the cutting and filling of the steep slopes in the proposed project area and increase run-off from increased impervious surface area would significantly increase the potential for erosion of the protected shorelands and degradation of surface water quality.
7. In accordance with RSA 483-B:2, XV, the Department must consider the effect of the impacts that would occur if each of the 226 remaining structure owners requested similar impacts. The approval of these project would not further the maintenance of safe and healthful conditions nor would it provide for the wise utilization of water and related land resources, therefore, these projects shall not be approved.
8. This project will not provide at least the same level of protection for the surface water and therefore, the waiver of RSA 483-B:9, II shall not be approved.
9. The approval of this project would not be consistent with the intent and purpose of RSA 483-B and, therefore, the request for a permit is denied as required per RSA 483-B:3.